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September 14, 2015

The Honorable Judge Vanessa Gilmore  
United States District Judge  
515 Rusk Avenue  
Houston, Texas 77002  
Via email: Byron\_Thomas@txs.uscourts.gov

*Re: Broxton v. Stephens*, No. 4:11-cv-00315

Dear Judge Gilmore,

I am writing to request an expedited hearing to compel the Harris County Sheriff's Office ("HCSO") to provide a complete response to a subpoena this Court authorized. As outlined in Petitioner's Second Unopposed Motion for Leave to File a Subpoena (Dkt. No. 42, filed 8/4/15) and Petitioner's Unopposed Motion for Three Week Extension to File Motion for Leave to File 3<sup>rd</sup> Amended Petition (Dkt. No. 45, filed 8/31/15), Petitioner's counsel has undertaken substantial efforts to obtain the records from the HCSO, including the complete files for (1) the offense for which Mr. Broxton was convicted of committing ("Dockens' murder") and (2) the later recovery of the murder weapon, along with close to \$900,000 and an unspecified amount of drugs. Despite being served with a subpoena, as discussed briefly below and in Petitioner's Motion to Compel, which was filed today, the HCSO has not conducted much more than a superficial investigation into the whereabouts of records and items that exist, or existed at one point.

On August 21, 2015, counsel served a subpoena on HCSO, returnable on August 28, 2015. HCSO sent a tardy response on September 3, 2015 signed by Eunice Bejines. Upon review, undersigned counsel discovered that the HCSO had merely reproduced the case file (and provided some non-responsive policies) and had not provided a complete response to the subpoena. Counsel sent a detailed letter to the HCSO the next day outlining the specific items that were missing and attaching supporting documents. Counsel followed up with phone calls to Ms. Eunice Bejines and her supervisor, Roel Garcia. Ms. Bejines stated that she had not, and would not, read the letter counsel sent but instead was forwarding the information to the County Attorney.

Graylon Wells, the County Attorney assigned to this matter called the undersigned on Tuesday, September 8, 2015. Over the course of the week, counsel attempted to work with Mr. Wells to obtain the missing documents, explaining in further detail the basis for the belief that they existed, providing further documentation and suggesting places that he might look. Mr. Wells continues to rely exclusively on Ms. Bejines and a lieutenant, both of whom have refused to conduct anything more than a superficial search for the documents. Consequently, we are requesting that the Court order the HCSO to produce the documents responsive to the subpoena and otherwise explain what efforts it has made to comply with the subpoena and, if necessary, why responsive records and documents have not been produced.

Best,

/s/ Cathryn Crawford

Cathryn Crawford, counsel for Petitioner, Eugene Broxton